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Robert D. Shedd			COLUCCI, MICHAEL C	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/519,000	CHRISTENSEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	MICHAEL C. COLUCCI	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date ____ .	6) <input type="checkbox"/> Other: ____ .

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see Remarks, filed 10/11/04, with respect to the rejection(s) of claim(s) 1-24 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Adams WO9816040 (Hereinafter Adams), Fletcher et al. EP0453063 (Hereinafter Fletcher), and Smyth et al. US 5956674 A (Hereinafter Smyth).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams WO9816040 (Hereinafter Adams) in view Smyth et al. US 5956674 A (Hereinafter Smyth) and further in view of Fletcher et al. EP0453063 (Hereinafter Fletcher).

Re claim 1, Adams teaches a method of extracting digital audio data words from a serialized stream of digital audio data (page 1 lines 22-27), comprising:

constructing a timing window from an estimated bit time for said serialized stream of digital audio data, said timing window having a preamble sub-window and at least one data sub-window (page 3 lines 1-18);

extracting plural digital audio data words from said serialized stream of digital audio based upon the location of each transition in said serialized stream of digital audio data (page 1 lines 22-27) relative to said preamble sub-window and said at least one data sub-window of said timing window (page 3 lines 1-18),

each one of said extracted plural digital audio data word having a preamble identifiable by a combination of at least one transition located in said preamble sub-window of said timing window and at least one transition located in said at least one data sub- window of said timing window (page 3 lines 1-18)

However, Adams fails to teach extracted plural digital audio data words Smyth teaches multiple channels of PCM audio data 14, typically sampled at 48 kHz with word lengths between 16 and 24 bits, into a data stream 16 at a known transmission rate, suitably in the range of 32-4096 kbps. Unlike known audio coders, the present architecture can be expanded to higher sampling rates (48-192 kHz) without making the existing decoders, which were designed for the baseband sampling rate or any intermediate sampling rate, incompatible. Furthermore, the PCM data 14 is windowed and encoded a frame at a time where each frame is preferably split into 1-4 subframes. The size of the audio window, i.e. the number of PCM samples, is based on the relative values of the sampling rate and transmission rate such that the size of an

output frame, i.e. the number of bytes, read out by the decoder 18 per frame is constrained, suitably between 5.3 and 8 kbytes (Smyth Col. 5 lines 52-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Adams to incorporate extracted plural digital audio data words as taught by Smyth to allow for an increased sampling rate for frames and subframes on a compatible level with the extracted audio signal (Smyth Col. 5 lines 52-67).

However, Adams in view of Smyth fails to teach wherein said bit time is estimated by averaging a plurality of data stream pulse lengths.

Fletcher teaches the average value register 28 holds an average value of the short pulse length, as measured by circuit 14. It is convenient to call the short pulses A pulses, and the long pulses B pulses. The average is thus calculated by halving the measured length of the B pulses and then taking a time average of the A and 1/2 B pulse lengths. The term average is here used in a general rather than a strict mathematical sense and the precise function can be chosen in many ways to produce a running average or mean value derived from the recently received input values as will be apparent to those skilled in the art (Fletcher Col. 3 lines 7-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Adams in view of Smyth to incorporate wherein said bit time is estimated by averaging a plurality of data stream pulse lengths

as taught by Fletcher to allow for well known method to produce precision averaging of audio frames based on pulse length (Fletcher Col. 3 lines 7-20).

Re claims 2, 15, and 21, Adams teaches the method of claim 1, and further comprising identifying said extracted data words as having a first type of preamble if said extracted data words have a pair of successive transitions located in said preamble sub-window followed by a pair of successive transitions located in said at least one data sub-window (page 3 lines 1-18 & Fig. 11).

Re claims 3 and 16, Adams teaches the method of claim 2, and further comprising identifying said extracted data words as having a second type of preamble if said extracted data words have a pair of non-successive transitions located in said preamble sub-window-separated by a pair of successive transitions located in said at least one data sub-window (page 3 lines 1-18 & Fig. 11).

Re claims 4 and 17, Adams teaches the method of claim 3, and further comprising identifying said extracted data words as having a third type of preamble if said extracted data words have a transition located in said preamble sub-window followed by first, second and third transitions located in said at least one data sub-window (page 3 lines 1-18).

Re claim 5, Adams teaches the method of claim 4, wherein said timing window is constructed such that said preamble sub-window extends from about 1¼ times said estimated bit time to about 1¾ times said estimated bit time (page 8 lines 8-21).

Re claim 6, Adams teaches the method of claim 5, wherein said timing window is constructed such that said at least one data sub-window extends from about ¼ times said estimated bit time to about 1¼ times said estimated bit time (page 8 lines 8-21).

Re claim 7, Adams teaches the method of claim 4, wherein said timing window is constructed such that said at least one data sub-window includes a first data sub-window which extends from about ¼ times said estimated bit time to about 3/4 times said estimated bit time and a second data sub-window which extends from about 3/4 times said estimated bit time to about 1¼ times said estimated bit time (page 8 lines 8-21).

Re claims 8 and 18, Adams teaches the method of claim 1, wherein said estimated bit time is derived from said serialized stream of digital audio data (page 1 lines 22-27).

Re claims 9 and 19, Adams teaches the method of claim 8, and further comprising: estimating minimum and maximum bit window times (page 8 lines 8-21 &

fig. 11) constructing a bit window from said minimum and maximum bit window times (page 6 lines 20-27);

identifying transitions in said serialized stream of digital audio data (page 1 lines 22-27) which occur within said constructed bit window (page 1 lines 22-27), wherein the time separating a first set of successive identified transitions is a first measurement of said estimated bit time (page 8 lines 8-21 & fig. 11).

However, Adams in view of Smyth fails to teach determining said estimated bit time from a running average of plural measurements of said estimated bit time

Fletcher teaches the average value register 28 holds an average value of the short pulse length, as measured by circuit 14. It is convenient to call the short pulses A pulses, and the long pulses B pulses. The average is thus calculated by halving the measured length of the B pulses and then taking a time average of the A and 1/2 B pulse lengths. The term average is here used in a general rather than a strict mathematical sense and the precise function can be chosen in many ways to produce a running average or mean value derived from the recently received input values as will be apparent to those skilled in the art (Fletcher Col. 3 lines 7-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Adams in view of Smyth to incorporate determining said estimated bit time from a running average of plural measurements of said estimated bit time as taught by Fletcher to allow for well known method to produce precision averaging of audio frames based on pulse length (Fletcher Col. 3 lines 7-20).

Re claim 10, Adams in view of Smyth fails to teach the method of claim 9, further comprising determining said estimated bit time from a running average of plural measurements of said estimated bit time.

Fletcher teaches the average value register 28 holds an average value of the short pulse length, as measured by circuit 14. It is convenient to call the short pulses A pulses, and the long pulses B pulses. The average is thus calculated by halving the measured length of the B pulses and then taking a time average of the A and 1/2 B pulse lengths. The term average is here used in a general rather than a strict mathematical sense and the precise function can be chosen in many ways to produce a running average or mean value derived from the recently received input values as will be apparent to those skilled in the art (Fletcher Col. 3 lines 7-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Adams in view of Smyth to incorporate determining said estimated bit time from a running average of plural measurements of said estimated bit time as taught by Fletcher to allow for well known method to produce precision averaging of audio frames based on pulse length (Fletcher Col. 3 lines 7-20).

Re claim 11, Adams teaches a method of extracting digital audio data words from a serialized stream of digital audio data (page 1 lines 22-27), comprising:  
constructing a timing window from an estimated bit time for said serialized stream of digital audio data, said timing window having a preamble sub-window and at least one data sub-window (page 3 lines 1-18);

extracting plural digital audio data words from said serialized stream of digital audio based upon the location of each transition in said sampled stream of digital audio data (page 1 lines 22-27) relative to said preamble sub-window and said at least one data sub-window of said timing window wherein said bit time is estimated by averaging a plurality of data stream pulses (page 3 lines 1-18).

However, Adams in view of Smyth fails to teach sampling said serialized stream of digital audio data at a fast sample rate

Fletcher teaches that to be able to detect the pulses in a real situation with data sample rates of up to 54 KHz and bit rates of 64 times that requires a high sampling rate to be used in the circuit 14. Measurement sampling rates of at least six or seven times the maximum input pulse rate are desirable. The high frequency clock signal required may be derived externally using a conventional crystal-based oscillator (Fletcher Col. 6 lines 4-11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Adams in view of Smyth to incorporate sampling said serialized stream of digital audio data at a fast sample rate as taught by Fletcher to allow for the detection of live pulses at a high sampling rate (Fletcher Col. 6 lines 4-11).

Re claim 12, Adams in view of Smyth fails to teach the method of claim 11, wherein said fast sample rate is at least about twenty times faster than a data rate for said serialized stream of digital audio data.

Fletcher teaches that to be able to detect the pulses in a real situation with data sample rates of up to 54 KHz and bit rates of 64 times that requires a high sampling rate to be used in the circuit 14. Measurement sampling rates of at least six or seven times the maximum input pulse rate are desirable. The high frequency clock signal required may be derived externally using a conventional crystal-based oscillator (Fletcher Col. 6 lines 4-11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Adams in view of Smyth to incorporate fast sample rate is at least about twenty times faster than a data rate for said serialized stream of digital audio data as taught by Fletcher to allow for the detection of live pulses at a high sampling rate (Fletcher Col. 6 lines 4-11).

Re claim 13, Adams in view of Smyth fails to teach the method of claim 12, wherein said fast sample rate is derived from a fast clock having a frequency of at least about twenty times faster than the frequency of said serialized stream of digital data.

Fletcher teaches that to be able to detect the pulses in a real situation with data sample rates of up to 54 KHz and bit rates of 64 times that requires a high sampling rate to be used in the circuit 14. Measurement sampling rates of at least six or seven times the maximum input pulse rate are desirable. The high frequency clock signal required may be derived externally using a conventional crystal-based oscillator (Fletcher Col. 6 lines 4-11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Adams in view of Smyth to incorporate fast sample rate is at least about twenty times faster than a data rate for said serialized stream of digital audio data as taught by Fletcher to allow for the detection of live pulses at a high sampling rate (Fletcher Col. 6 lines 4-11).

Re claim 14, Adams teaches the method of claim 13, wherein each one of said extracted plural digital audio data words has a preamble identifiable by a combination of at least one transition located in said preamble sub-window of said timing window and at least one transition located in said at least one data sub-window of said timing window (page 3 lines 1-18).

However, Adams fails to teach extracted plural digital audio data words. Smyth teaches multiple channels of PCM audio data 14, typically sampled at 48 kHz with word lengths between 16 and 24 bits, into a data stream 16 at a known transmission rate, suitably in the range of 32-4096 kbps. Unlike known audio coders, the present architecture can be expanded to higher sampling rates (48-192 kHz) without making the existing decoders, which were designed for the baseband sampling rate or any intermediate sampling rate, incompatible. Furthermore, the PCM data 14 is windowed and encoded a frame at a time where each frame is preferably split into 1-4 subframes. The size of the audio window, i.e. the number of PCM samples, is based on the relative values of the sampling rate and transmission rate such that the size of an

output frame, i.e. the number of bytes, read out by the decoder 18 per frame is constrained, suitably between 5.3 and 8 kbytes (Smyth Col. 5 lines 52-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Adams to incorporate extracted plural digital audio data words as taught by Smyth to allow for an increased sampling rate for frames and subframes on a compatible level with the extracted audio signal (Smyth Col. 5 lines 52-67).

Re claim 20, Adams teaches a bi-phase decoder for use in decoding a stream of AES-3 digital audio data (page 1 lines 22-27), comprising:

a decoder circuit coupled to receive a stream of AES-3 digital audio data, an estimated bit time for said stream of AES-3 digital audio data (page 1 lines 22-27) and a fast clock, said fast clock having a frequency of about at least twenty times faster than a frequency of said stream of AES-3 digital audio data; and

a data store coupled to said decoder circuit, 'said data store receiving subframes of digital audio data extracted, from said stream of AES-3 digital audio data by said decoder circuit (page 3 lines 1-18);

said decoder circuit extracting subframes of said digital audio data by constructing a timing window from said estimated bit time, sampling said stream of AES-3 digital audio data using said fast clock and applying said sampled stream of AES-3 digital audio data to said timing window to identify transitions, in said sampled

stream of AES-3 digital audio data, indicative of preambles of said subframes of digital audio data (page 3 lines 1-18)

However, Adams in view of Smyth fails to teach said bit time is estimated by averaging a plurality of data stream pulses

a fast clock having a frequency of about at least twenty times faster than a frequency of said stream of AES-3 digital audio data

Fletcher teaches that to be able to detect the pulses in a real situation with data sample rates of up to 54 KHz and bit rates of 64 times that requires a high sampling rate to be used in the circuit 14. Measurement sampling rates of at least six or seven times the maximum input pulse rate are desirable. The high frequency clock signal required may be derived externally using a conventional crystal-based oscillator (Fletcher Col. 6 lines 4-11).

Fletcher also teaches the average value register 28 holds an average value of the short pulse length, as measured by circuit 14. It is convenient to call the short pulses A pulses, and the long pulses B pulses. The average is thus calculated by halving the measured length of the B pulses and then taking a time average of the A and 1/2 B pulse lengths. The term average is here used in a general rather than a strict mathematical sense and the precise function can be chosen in many ways to produce a running average or mean value derived from the recently received input values as will be apparent to those skilled in the art (Fletcher Col. 3 lines 7-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Adams in view of Smyth to incorporate bit time is estimated by averaging a plurality of data stream pulses and a fast clock having a frequency of about at least twenty times faster than a frequency of said stream of AES-3 digital audio data as taught by Fletcher to allow for well known method to produce precision averaging of audio frames based on pulse length (Fletcher Col. 3 lines 7-20) and for the detection of live pulses at a high sampling rate (Fletcher Col. 6 lines 4-11).

Re claim 22, Adams teaches the apparatus of claim 21, and further comprising a bit time estimator circuit having an input coupled to receive said stream (page 1 lines 22-27) of AES-3 digital audio data and an output coupled to said decoder circuit, said bit time estimator determining said estimated bit time for output to said decoder circuit (Col. 1 lines 10-27).

Re claims 23 and 24, Adams teaches a method of extracting digital audio data words from a serialized stream of digital audio data (page 1 lines 22-27), comprising:  
constructing a timing window from an estimated bit time for said serialized stream of digital audio data, said timing window having a preamble sub-window and at least one data sub-window (page 3 lines 1-18);

sampling said serialized stream of digital audio data (page 1 lines 22-27) at a fast sample rate; and extracting plural digital audio data words from said serialized stream of

digital audio (page 1 lines 22-27) based upon the location of each transition in said sampled stream of digital audio data relative to said preamble sub-window and said at least one data sub-window of said timing window (page 3 lines 1-18);

estimating minimum (page 6 lines 20-27) and maximum bit window times (page 8 lines 8-21 & fig. 11);

constructing a bit window from said minimum and maximum bit window times; identifying transitions in said serialized stream of digital audio data which occur within said constructed bit window (page 3 lines 1-18), the time separating a set of successive identified transitions being a measurement of said estimated bit time (page 6 lines 20-27); and

However, Adams fails to teach extracted plural digital audio data words Smyth teaches multiple channels of PCM audio data 14, typically sampled at 48 kHz with word lengths between 16 and 24 bits, into a data stream 16 at a known transmission rate, suitably in the range of 32-4096 kbps. Unlike known audio coders, the present architecture can be expanded to higher sampling rates (48-192 kHz) without making the existing decoders, which were designed for the baseband sampling rate or any intermediate sampling rate, incompatible. Furthermore, the PCM data 14 is windowed and encoded a frame at a time where each frame is preferably split into 1-4 subframes. The size of the audio window, i.e. the number of PCM samples, is based on the relative values of the sampling rate and transmission rate such that the size of an

output frame, i.e. the number of bytes, read out by the decoder 18 per frame is constrained, suitably between 5.3 and 8 kbytes (Smyth Col. 5 lines 52-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Adams to incorporate extracted plural digital audio data words as taught by Smyth to allow for an increased sampling rate for frames and subframes on a compatible level with the extracted audio signal (Smyth Col. 5 lines 52-67).

However, Adams in view of Smyth fails to teach a fast sample rate determining said estimated bit time from a running average of plural measurements of said estimated bit time

Fletcher teaches that to be able to detect the pulses in a real situation with data sample rates of up to 54 KHz and bit rates of 64 times that requires a high sampling rate to be used in the circuit 14. Measurement sampling rates of at least six or seven times the maximum input pulse rate are desirable. The high frequency clock signal required may be derived externally using a conventional crystal-based oscillator (Fletcher Col. 6 lines 4-11).

Fletcher also teaches the average value register 28 holds an average value of the short pulse length, as measured by circuit 14. It is convenient to call the short pulses A pulses, and the long pulses B pulses. The average is thus calculated by halving the measured length of the B pulses and then taking a time average of the A and 1/2 B pulse lengths. The term average is here used in a general rather than a strict

mathematical sense and the precise function can be chosen in many ways to produce a running average or mean value derived from the recently received input values as will be apparent to those skilled in the art (Fletcher Col. 3 lines 7-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Adams in view of Smyth to incorporate a fast sample rate and determining said estimated bit time from a running average of plural measurements of said estimated bit time as taught by Fletcher to allow for well known method to produce precision averaging of audio frames based on pulse length (Fletcher Col. 3 lines 7-20) and for the detection of live pulses at a high sampling rate (Fletcher Col. 6 lines 4-11).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Colucci whose telephone number is (571)-270-1847. The examiner can normally be reached on 9:30 am - 6:00 pm, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571)-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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